

Attachment 1 Civil Complaint

RECEIVED
AUG 10 2021
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

District United States District Western
Court of Texas
El Paso Division

Alex Arturo Zamora
Plaintiff

Case Number
EP21CV0185

HGS El Paso
Defendant

Complaint

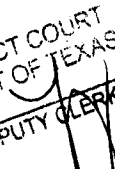
1) First Paragraph
Alex Arturo Zamora
810 Mundy Drive Apt 8
El Paso Texas 79902

2) Second Paragraph
HGS El Paso Texas
8465 Grand Vista Drive
El Paso Texas
79907

HGS El Paso Texas
12120 Rojas Drive
Suite A
El Paso Texas

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Attachment 1 page 2

3) Third Paragraph Jurisdictional Plea

This court has jurisdiction over this matter because this is a action arising under title VII of the civil rights act of 1964. Federal law and the constitution allow plaintiff Alex Azama to file a civil complaint for retaliation, discrimination and false statements made by the defendant HGS. Title VII is a federal Statute; the civil rights act of 1964 affects employment decisions made by the employer when conducting background checks.

4) Fourth Paragraph

This court also has jurisdiction on the American with disabilities act as amended and the american with disabilities act. A federal law that affects employment decisions. HGS the defendant has a federal obligation to provide accommodation to employees and employee be free from retaliation. and interference and discrimination.

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5) Fifth Paragraph

The age discrimination act is also a federal law that this court has jurisdiction over and affects how employers retaliate and discriminate for people considered younger and older. The age discrimination act was provided to help people of a certain age group.

6) Sixth Paragraph

Venue is proper in this district. HGS is located in El Paso, Texas, and because HGS is located in El Paso Texas and has a corporate office in Illinois, this allows a federal court to hear employment actions that occurred in El Paso but directed from a different state. Alex A Zamora plaintiff is also a resident of El Paso, Texas. HGS defendant is a corporation conducting business in the state of Texas.

Attachment page 4

7th Paragraph seventh

Allegation 1) HGS was given information that reasonable accommodation is needed and Mrs. Bixley failed to provide that to the EEOC. Federal rule 8 allows me to have this statement be true and tried in court. HGS failed and instead of providing accommodation fired Alex A. Zamora and has marked him as ineligible for rehire, and did not allow work from home either.

8th eighth paragraph

Allegation Number 2

Because of Alex Zamora plaintiff age he was denied a work from home position a position he is very qualified and very responsible of doing considering the qualifications that HGS the defendant was asking for. Alex Zamora plaintiff was informed someone who was more qualified than him got the job.

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9th Nine Paragraph Allegation Number 3

HGS has failed to apply the eeoc green factors when requested by alex zamora during interview and the day of termination and did not provide notice of employment termination of the offer of employment or application. HGS also failed to provide notice to plaintiff that convictions are immediate cause of termination. In their response HGS defendant states their decision is adverse and to correct the background. The background is correct. Plaintiff Alex A Zamora is asking for assessment provided by the EEOC green factors to provide him equal opportunity at HGS. A federal law that protects minorities like Alex A Zamora. Instead defendant fired, lied to the eeoc and prevented him from being hired.

Attachment (page 6)

It is for these statements and facts allowed by federal rule 8 and the constitution of the United States that Alex A Zamora plaintiff seek relief in the form of pain and suffering and wages and should be allowed a fair chance at litigation, discovery, trial and court by a jury or judge as allowed by the constitution of the United States of America.

Alex Zamora
Alex Arturo Zamora
810 Mundy Drive
Apt #8
El Paso, Texas
79902
915 479 5732

Attachment 2 - EEOC Complaint Form

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
El Paso DIVISION

Alex Zamora
(Name of plaintiff or plaintiffs)

Civil Action Number:

v.

HGS
Hinduja Global Solutions
(Supplied
by Clerk's Office)

(Name of defendant or defendants)

COMPLAINT

1. This action is brought by Alex Zamora, Plaintiff,
pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☒ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment
Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment),
religion or national origin.
- ☒ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☒ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☐ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees
only).

2. Defendant HGS (Defendant's name) lives
at, or its business is located at 12120 Rojas Drive
(street address), Suite A. (city), El Paso
(state), Texas (zip) 79936

- 3a. Plaintiff sought employment from the defendant or was employed by the defendant at 12170 Rojas Dr Suite A (street address), (city), El Paso (state), Texas (zip) 79936.
- 3b. At all relevant times of claim of discrimination, Defendant employed over 200 (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had _____ (#) members.
4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about May (month) 8th (day) 2019 (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: April 24th 2019,
5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about (month) May (day) 7 2019 (year). (Not applicable to federal civil service employees).
- 6a. The E.E.O.C. issued a Notice of Right to Sue which was received by plaintiff on (month) May (day) 12th, 2021 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

VERY IMPORTANT NOTE:

PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.

- 6b. Please indicate below if the E.E.O.C issued a **Determination** in your case:

☒ Yes
☐ No

VERY IMPORTANT NOTE:

IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT

7. Because of plaintiff's:

(Please select the applicable allegation(s))

- ☒ Race (If applicable, state race) _____
- ☒ Color (If applicable, state color) _____

- ☒ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim)
☒ Religion (If applicable, state religion) _____
- ☒ National Origin (If applicable, state national origin) _____
- ☒ Age (If applicable, state date of birth) 02-20-1981
- ☒ Disability (If applicable, state disability) Bipolar
- ☒ Prior complaint of discrimination or opposition to acts of discrimination.
(Retaliation) (If applicable, explain events of retaliation) _____

The defendant: (please select all that apply)

- ☒ failed to employ plaintiff. May 18th 2020
- ☒ terminated plaintiff's employment.
- ☐ failed to promote plaintiff.
- ☒ harassed plaintiff.
- ☒ other (specify) lied to eeoc and did not provide
all documentation.

8a. State specifically the circumstances under which defendant, its agent, or employees discriminated against plaintiff PERSONALLY:

VERY IMPORTANT NOTE:

**INCLUDE SPECIFIC DATES, SPECIFIC EVENTS,
AND ANY SPECIFIC COMMENTS MADE BY
DEFENDANT PERTAINING TO THE
DISCRIMINATION CLAIM ALLEGED ABOVE.**

See page 10, See page 11, See page 12, 12a, Page 13
See page 14, 14A, 14B, See page 15

8b. List any witnesses who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

8c. List any documentation that would support plaintiff's allegations and explain what the documents will prove:

See Civil Complaint
See page 10, See page 11, see page 12, 12a, Page 13
See page 14, 14A, 14B, See Page 15

HCS Response states adverse action without green factors and is pre-text.

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

- ☒ still being committed by defendant.
☐ no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- ☐ Defendant be directed to employ plaintiff.
☐ Defendant be directed to re-employ plaintiff.
☐ Defendant be directed to promote plaintiff.
☒ Defendant be directed to Remove the non eligibility for hire
and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

8/10/2021
Date
Alejo Zmora
Signature of Plaintiff

810 Mundy Drive Apt 8
Address of Plaintiff

El Paso Tx 79902
City State Zip Code

Telephone Number(s)

915 4795732



HGS - Application for the position of Customer Service Representatives - Work From Home!

From:HGS USA Recruitment (recruitment.us@teamhgs.com)

To:alexzamora54@yahoo.com

Date:Monday, May 18, 2020, 03:56 PM MDT



Hi Alex,

Thank you for taking the time to talk to us about your application for the position Customer Service Representatives - Work From Home! in EL PASO, TX.

After meeting with several qualified candidates, we regret to inform you that HGS will not be pursuing your candidacy for this position. The selection process was highly competitive and we have decided to move forward with a candidate whose qualifications and experience better meet our needs at this time.

In the meantime, do continue to visit us at <https://www.joinhgs.com> for new career opportunities or to refer your friends. We thank you for your interest in HGS and wish you all the best in your future endeavors.

Kind regards,
The HGS Recruiting Team

Page 10



Hinduja Global Solutions
Separation Print Report of Alex Zamora(A61684)

Status: TERMINATED
Emp Code: A61684
First Name: Alex
Middle Name:
Last Name: Zamora
SSN: XXX-XX-1356
Title 1: CSR
Title 2: Product Specialist
Grade: L1

Function: CSR
Category: FULLTIME REGULAR
Department: Wave
Sub Process Name: WAVE OALL
PR: Katherin Sar
SR: Jim Pearce
Last DOJ: 29-APR-2019
Tenure: 8(days) (0.02 Years)

Date of Res/Ter/Abs: 07-May-2019

Accepted Date:

Rehirable Status: No

Requested Relieve Date:

Indicative LWD: 07-May-2019

Termed Date: 07-May-2019

Separation FIR Raised on :

By:

Notice Period Handled:

Separation Trigger Raised on : 08-May-2019

By: SONIA BIXLER

Standard Notice Period : 14

Separation Trigger Accepted on : 08-May-2019

By: Mark J. Donnelly

Notice Period Served: 1

Separation Type: TERMINATED

Separation Reason: Failed Screening

Open Remarks of LH:

Conf Remarks of LH:

Open Remarks of DH:

Conf Remarks of DH:

Agent failed background screen

Agent failed background screen.

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Alex Zamora
810 Mundy #7
El Paso, TX 79902

Dear Alex:

We regret to inform you that your employment with HGS has been terminated. This action was based in whole or in part by the information in a consumer report prepared by CareerBuilder Employment Screening, LLC.

In accordance with the Fair Credit Reporting Act (FCRA), we are sending you this Adverse Action notification. You have the right to obtain an additional copy of the report within 60 days of your receipt of this letter by contacting the supplier at the address and telephone number listed below. Under the FCRA and state law, you also have the right to dispute the accuracy or completeness of any information in the report with the consumer reporting agency:

CAREERBUILDER EMPLOYMENT SCREENING, LLC
3800 Golf Road, Suite 120
Rolling Meadows, IL 60008
(844) 220-6741
www.careerbuilderscreening.com

Massachusetts applicants or volunteers only (this section applies only if the report referenced above is a credit report): You have the right to obtain a free copy of your credit report within sixty days from the consumer credit reporting agency which has been identified on this notice. The consumer credit reporting agency must provide someone to help you interpret the information on your credit report. Each calendar year you are entitled to receive, upon request, one free consumer report. You have the right to dispute inaccurate information by contacting the consumer credit reporting agency directly. If you have notified a consumer credit reporting agency in writing that you dispute the accuracy of information in your file, the agency must then, within thirty business days, reinvestigate and modify or remove inaccurate information. The consumer credit reporting agency may not charge a fee for this service. If reinvestigation does not resolve the dispute to your satisfaction, you may send a letter to the consumer credit reporting agency, to be kept in your file, explaining why you think the record is inaccurate. The consumer credit reporting agency must include your statement about the disputed information in a report it issues about you.

California applicants or volunteers only (this section applies only if the report referenced above is a credit report): You have the right to obtain a free copy of your credit report within 60 days from the consumer credit reporting agency which has been identified on this notice and from any other consumer credit reporting agency which compiles and maintains files on consumers on a nationwide basis. Under California law, you also have the right to dispute with the consumer reporting agency the accuracy or completeness of any information in the report.

To dispute information contained in your credit report, contact the credit bureau that developed the report as listed on the consumer report:

TransUnion Consumer Relations: www.transunion.com/myoptions
2 Baldwin Place, P.O. Box 1000, Chester, PA 19022, 800-888-4213

Experian Consumer Assistance: P.O. Box 23540, Chatsworth, CA 91313, 888/397-3742

Equifax: P.O. Box 740241, Atlanta, GA 30374-0241, 800/685-1111

CareerBuilder Employment Screening, LLC took no part in this decision and will not be able to explain the reason for the action that was taken.

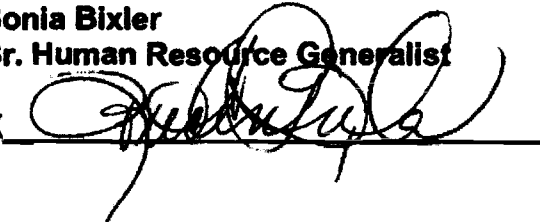
Thank you for your interest in our company.

Sincerely,

Cecilia Solis
Sr. Recruiter

x  5/7/19
Date:

Sonia Bixler
Sr. Human Resource Generalist

x  5/7/19
Date:

See page 12a



OFFER OF EMPLOYMENT

NAME: Alex Zamora
EMAIL: alexzamora54@yahoo.com
SCHEDULE RESTRICTIONS: None

OFFER DATE: 24 April 2019
PREAPPROVED TIME OFF: none

We are pleased to extend you this qualified job offer as a **Customer Service Representative** on the **Wave** account.

Starting wage is \$ USD - 10.50 - Per Hour

Position is: FULLTIME REGULAR

This offer is contingent upon a drug screen and a background check if applicable. The offer, when accepted, will cause an employment – at – will relationship between you and HGS. It is not intended nor should it be construed as a contract of continued employment.

Start Day, Date & Time (Orientation): 29-Apr-2019 6:00AM

Location: ROJAS (12120 Rojas Drive, El Paso, TX 79936)

Miscellaneous:

- a. This offer is not intended nor should it be construed as a contract of employment, HGS is an at will employer.
- b. Our dress code is casual, which jeans are acceptable any day of the week; however, they must be neat and clean and all other apparel items are to be non-offensive to others.
- c. During Training with HGS for your new account assignment, you will be held accountable for any absences and tardiness at a higher concentration.

Orientation items (please bring on your first day):

i. Provide two forms of identification as proof you are authorized to work in the US. (Photo ID & Birth Certificate or SSC)

ii. 2 Reference – W2, check stub or letter of recommendation from 2 different employers.

References may be sent to: elizabeth.medrano@teamhgs.com

iii. Direct Deposit – You will be able to electronically submit your account information for direct deposit after your first day or you can choose to have your pay be deposited onto a Pay Card.

If you have questions between now and the start of training, please call us at 9159267053

Your signature of acceptance reflects that you have a clear understanding of the information related to the information within this offer and you are in agreement to the scheduled training hours, wages and working hours stated.

Candidate Signature

Human Resources Signature



MICHELE MACK
Sr. HR Manager
Michele.mack@teamhgs.com

January 22, 2021

E-MAIL nina.pastrana@eeoc.gov

Nina Pastrana
Investigator Support Assistant
100 N. Stanton Street Suite 600
El Paso, TX 79901
Phone: 915-995-8847
E-Mail: nina.pastrana@eeoc.gov

RE: Alex Zamora v. Hinduja Global Solutions, Inc. (HGS)
EEOC No. 453-2019-01283

Dear Ms. Pastrana,

This is in response to Respondent, Hinduja Global Solutions, Inc. ("HGS" or the "Company") regarding the charge of discrimination filed by former HGS employee, Alex Zamora.

HGS's customer service call center operations have been severely impacted by the COVID-19 emergency. Given the limitations faced during the investigation of this matter, HGS reserves the right to supplement this response, to the extent necessary, once the COVID-19 emergency has ended.

INTRODUCTION

HGS adamantly denies discriminating against Alex Zamora because of his national origin, Hispanic.

On 4/24/19 Alex Zamora received a contingent offer of employment with HGS. The offer of employment was contingent on a drug screen and a clear background check. Alex Zamora was scheduled and started his employment as a Product Specialist Customer Service Representative in the 4/29/19 training class. On 4/29/19 Alex Zamora's background check was still pending completion. Throughout the recruiting and onboarding process Alex Zamora was made aware of the clear background check requirement and did not disclose any concerns about his background check. He was allowed to start in the training class with the understanding that his background check was still pending.

On 5/2/15 Alex Zamora's criminal background results were received by HGS and showed that on Alex Zamora had a felony for aggravated assault with a deadly weapon, on 12/7/2015 the disposition was guilty. Due to the nature of the crime, that he did not disclose any concerns about

his background check prior to starting with HGS and that the guilty charge was within the past 7 years, Alex Zamora was not eligible for employment with HGS. On 5/2/19 a Human Resources representative spoke with Alex Zamora and explained the result of his background check. During the conversation Alex Zamora admitted that the results were accurate. In addition, the Human Resources representative explained that he would not be eligible for continued employment unless he could provide supporting documentation for review by using the Adverse Action process to prove that it was an error and he would be placed on suspension pending the Adverse Action process. He was provided the adverse action documentation and advised that he would have 5 business days to provide supporting documentation for review to demonstrate that the report is in error. HGS did not receive any further information from Alex Zamora and his employment was terminated on 5/7/19. On 5/7/19 the Human Resources representative followed up with Alex Zamora to make him aware that his employment would be separated.

Throughout the HGS recruiting process candidates are informed of the background check requirements. At that time, candidate also acknowledge that they will be required to submit information for a background check. There are times, based on what the candidate communicates during the process, the timing of the new hire class or the lack of a near future class that HGS will allow a candidate to start employment with a pending background check. If allowed to start with a pending background check the process is fully disclosed with the new hire to make them aware that their employment is still contingent upon a clear background check.

Alex Zamora's charge alleging that HGS retaliated against him due to national origin is provably false. He did not make anyone at HGS aware that he had concerns about his background check prior to starting his employment. He also was not told by the Human Resources representative that HGS would proceed with his employment even though his results of the background check did not meet the requirements for employment with HGS. Alex Zamora's reason for discrimination is meritless and must be dismissed.

HGS'S OPERATIONS AND POLICIES

HGS is a leading global provider of business process management (BPM) services, including traditional voice contact center services. The Company maintains a call center located in El Paso, Texas where Alex Zamora was employed as an hourly Customer Service representative for HGS.

HGS is an equal opportunity employer that provides a workplace free of all forms of discrimination and retaliation. HGS' Equal Employment Opportunity (EEO) policy states: "HGS is firmly committed to a policy of Affirmative Action and Equal Opportunity, and will administer its personnel policies and conduct its employment practices in a manner that treats each employee and applicant for employment on the basis of merit, experience and other work-related criteria without regard to race, color, religion, sex, national origin, disability, ancestry, age, or any other protected characteristic."

14/A'

Alex Zamora HGS EMPLOYMENT

On 4/24/19 HGS offered Mr. Zamora a contingent hourly customer service position. On 4/29/19 Alex Zamora started in the new hire class as scheduled with full knowledge that his background check was still pending. On 5/2/19, Alex Zamora was made aware that he was being placed on suspension for up to 5 business days while he followed the Adverse Action process.

CONCLUSION

HGS did not retaliate against Alex Zamora. Mr. Zamora did not make HGS aware of any concerns with his background check. HGS followed the proper steps to make Alex Zamora of the necessary requirements for employment with HGS and that his offer was contingent upon the results of the background check. HGS followed the Adverse Action process and placed Alex Zamora on suspension for up to 5 days to dispute the background check results. Alex Zamora admitted that he would not and with the 5 business days did not dispute the results. His employment was separated with good cause. The Charge must be dismissed with a “no reasonable cause” finding.

Very truly yours,

Michele Mack

Michele Mack, Sr. HR Manager
Michele.mack@teamhgs.com
352-634-4117

14B

**Universal agent RCN/Grande(tech
support,billing/customer service,customer retention and
upsell**

If joining a dynamic booming team interests you, this position is for you!

HGS seeking enthusiastic Bilingual (English and Spanish) Universal Agent Reps!

This position will act as the front line of interaction with our customers. This Universal Agent Rep will provide support and sales to customers via phone. In addition, you will document customer issues and feedback in order to improve the overall customer experience.

Responsibilities

- Act as the front line support for our customers
- Answer both technical and sales inquiries for customers
- Successfully use support tools to provide customer resolutions and information
- Ability to deescalate challenging customer situations
- Document customer cases and pertinent details in internal CRM
- Provide feedback on opportunities and gaps within current resources and processes
- Effectively communicate across multiple channels (written/verbal)
- Use knowledge and experience to help educate and assist your team
- Grow your value and make a broader impact in the department
- Escalations Calls
- Sales
- Retention
- Technical Support

1.  Understand the Responsibilities that the RCN/Grande accounts perform.